

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01927-TSC**

CAUSE OF ACTION INSTITUTE v. NATIONAL OCEANIC
AND ATMOSPHERIC ADMINISTRATION
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/27/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**CAUSE OF ACTION INSTITUTE**

represented by **Lee A. Steven**
CAUSE OF ACTION INSTITUTE
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
(571) 329-1716
Email: lee.steven@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Patrick Mulvey
CAUSE OF ACTION INSTITUTE
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
571-444-2841
Email: ryan.mulvey@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION**

represented by **Paul A. Mussenden**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7874
Fax: (202) 252-2599
Email: Paul.Mussenden@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Evan Kahn
U.S. DEPARTMENT OF JUSTICE
Fraud Section
1400 New York Ave. NW
Washington, DC 20005
(202) 305-1648
Email: Matthew.Kahn2@usdoj.gov
TERMINATED: 10/22/2019

Date Filed	#	Docket Text
06/27/2019	<u>1</u>	COMPLAINT against NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Filing fee \$ 400 receipt number 0090-6219248) filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons NOAA, #

		<u>8</u> Summons USAG, # <u>2</u> Summons USAO–DC)(Mulvey, Ryan) (Entered: 06/27/2019)
06/27/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CAUSE OF ACTION INSTITUTE (Mulvey, Ryan) (Entered: 06/27/2019)
07/01/2019		Case Assigned to Judge Tanya S. Chutkan. (zeg) (Entered: 07/01/2019)
07/01/2019	<u>3</u>	SUMMONS (3) Issued Electronically as to NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zeg) (Entered: 07/01/2019)
07/02/2019	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION served on 7/2/2019 (Mulvey, Ryan) (Entered: 07/02/2019)
07/02/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 8/1/2019. (Mulvey, Ryan) (Entered: 07/02/2019)
07/03/2019	<u>6</u>	NOTICE of Appearance by Lee A. Steven on behalf of CAUSE OF ACTION INSTITUTE (Steven, Lee) (Entered: 07/03/2019)
07/08/2019	<u>7</u>	ENTERED IN ERROR.....ERRATA re <u>5</u> RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/3/2019. Answer due for ALL FEDERAL DEFENDANTS by 8/2/2019. (Mulvey, Ryan) Modified event title on 7/11/2019 (znmw). Modified on 7/11/2019 (zrdj). (Entered: 07/08/2019)
07/11/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7–3–2019. (Mulvey, Ryan) (Entered: 07/11/2019)
07/11/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>7</u> Summons Returned Executed in FOIA as to U.S. Attorney, was entered in error at the request of counsel and counsel was refiled as pleading <u>8</u> . (zrdj) (Entered: 07/11/2019)
08/01/2019	<u>9</u>	NOTICE of Appearance by Matthew Evan Kahn on behalf of NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Kahn, Matthew) (Entered: 08/01/2019)
08/01/2019	<u>10</u>	ANSWER to Complaint by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.(Kahn, Matthew) (Entered: 08/01/2019)
08/26/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 10/1/19. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 8/26/19. (DJS) (Entered: 08/26/2019)
08/28/2019		Set/Reset Deadlines: Joint Status Report due by 10/1/2019. (tb) (Entered: 08/28/2019)
09/27/2019	<u>11</u>	Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 09/27/2019)
10/17/2019		MNUTE ORDER: Having considered the parties' joints status report <u>11</u> , it is hereby ordered that the parties shall file another joint report and proposed order by October 22, 2019. Signed by Judge Tanya S. Chutkan on 10/17/19. (DJS) (Entered: 10/17/2019)
10/18/2019		Set/Reset Deadlines: Joint Status Report due by 10/22/2019. (tb) (Entered: 10/18/2019)

10/22/2019	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul A. Mussenden on behalf of NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION Substituting for attorney Matthew Kahn (Mussenden, Paul) (Entered: 10/22/2019)
10/22/2019	<u>13</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Mussenden, Paul) (Entered: 10/22/2019)
10/25/2019		MINUTE ORDER: Having considered the parties' Joint Status Report <u>13</u> , it is hereby ordered that the parties shall file another joint status report and proposed order by November 8, 2019. Signed by Judge Tanya S. Chutkan on 10/25/19. (DJS) (Entered: 10/25/2019)
10/28/2019		Set/Reset Deadlines: Joint Status Report due by 11/8/2019. (tb) (Entered: 10/28/2019)
10/31/2019	<u>14</u>	NOTICE of Change of Address by Lee A. Steven (Steven, Lee) (Entered: 10/31/2019)
11/07/2019	<u>15</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Mussenden, Paul) (Entered: 11/07/2019)
11/12/2019		MINUTE ORDER: Having considered the parties' joint status report <u>15</u> , it is hereby ordered that the parties shall file another joint report by January 7, 2020, and every 60 days thereafter. The report shall include a proposed order to the extent the parties propose a briefing schedule. Signed by Judge Tanya S. Chutkan on 11/12/19. (DJS) (Entered: 11/12/2019)
11/14/2019		Set/Reset Deadlines: Joint Status Report due by 1/7/2020. (tb) (Entered: 11/14/2019)
01/07/2020	<u>16</u>	Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 01/07/2020)
01/16/2020		MINUTE ORDER: Having considered the parties' joint status report <u>16</u> , it is hereby ordered that the parties shall adhere to the following briefing schedule: Defendants' Motion for Summary Judgement due March 6, 2020. Plaintiffs Opposition and any Combined Cross-Motion for Summary Judgment due April 24, 2020. Defendants' Reply and any Combined Opposition to Cross-Motion due May 11, 2020. Plaintiff's Reply, if needed due May 25, 2020. Signed by Judge Tanya S. Chutkan on 1/16/2020. (DJS) (Entered: 01/16/2020)
01/17/2020		Set/Reset Deadlines: Cross Motion due by 4/24/2020. Response to Cross Motion due by 5/11/2020. Reply to Cross Motion due by 5/25/2020. Summary Judgment motion due by 3/6/2020. Response to Motion for Summary Judgment due by 4/24/2020. Reply to Motion for Summary Judgment due by 5/11/2020. (tb) (Entered: 01/17/2020)
03/05/2020	<u>17</u>	Joint MOTION to Vacate Order,, <i>Setting Summary Judgment Briefing Schedule</i> by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Mussenden, Paul) (Entered: 03/05/2020)
03/05/2020		MINUTE ORDER: Granting <u>17</u> Motion to Vacate. The briefing schedule previously entered in this action (see 01/16/2020 Minute Order) is hereby VACATED. The parties shall file a Joint Status Report by May 5, 2020 and every 60 days thereafter. To the extent the report contains a proposed production or briefing schedule, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 3/5/2020. (DJS) (Entered: 03/05/2020)
05/05/2020	<u>18</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Mussenden, Paul) (Entered: 05/05/2020)
07/06/2020	<u>19</u>	Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 07/06/2020)